

(3) such other method as is provided by law. (Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 500; Pub. L. 94-22, §2(b), May 19, 1975, 89 Stat. 84.)

HISTORICAL AND REVISION NOTES

| <i>Derivation</i> | <i>U.S. Code</i> | <i>Revised Statutes and Statutes at Large</i> |
|-------------------|------------------|---|
| | 5 U.S.C. 838. | June 9, 1949, ch. 185, §5, 63 Stat. 166. |

The words “disbursing official” are substituted for “disbursing officer” because of the definition of “officer” in section 2104 which excludes a member of a uniformed service. Application to section 5703 is based on former section 73b-2, which is carried into section 5703.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1975—Pub. L. 94-22 struck out “or individual” after “employee” wherever appearing.

§ 5706. Allowable travel expenses

Except as otherwise permitted by this subchapter or by statutes relating to members of the uniformed services, only actual and necessary travel expenses may be allowed to an individual holding employment or appointment under the United States.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 500.)

HISTORICAL AND REVISION NOTES

| <i>Derivation</i> | <i>U.S. Code</i> | <i>Revised Statutes and Statutes at Large</i> |
|-------------------|------------------|---|
| | 5 U.S.C. 839. | June 9, 1949, ch. 185, §6, 63 Stat. 167. |

The words “members of the uniformed services” are substituted for “military personnel”.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

§ 5706a. Subsistence and travel expenses for threatened law enforcement personnel

(a) Under regulations prescribed pursuant to section 5707 of this title, when the life of an employee who serves in a law enforcement, investigative, or similar capacity, or members of such employee's immediate family, is threatened as a result of the employee's assigned duties, the head of the agency concerned may approve appropriate subsistence payments for the employee or members of the employee's family (or both) while occupying temporary living accommodations at or away from the employee's designated post of duty.

(b) When a situation described in subsection (a) of this section requires the employee or members of the employee's family (or both) to be temporarily relocated away from the employee's designated post of duty, the head of the agency concerned may approve transportation expenses to and from such alternate location.

(Added Pub. L. 99-234, title I, §103(a), Jan. 2, 1986, 99 Stat. 1757.)

EFFECTIVE DATE

Section effective (1) on effective date of regulations to be promulgated not later than 150 days after Jan. 2,

1986, or (2) 180 days after Jan. 2, 1986, whichever occurs first, see section 301(a) of Pub. L. 99-234, set out as an Effective Date of 1986 Amendment note under section 5701 of this title.

§ 5706b. Interview expenses

An individual being considered for employment by an agency may be paid travel or transportation expenses under this subchapter for travel to and from pre-employment interviews determined necessary by the agency.

(Added Pub. L. 101-509, title V, §529 [title II, §206(a)(1)], Nov. 5, 1990, 104 Stat. 1427, 1457.)

EFFECTIVE DATE

Section effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, §305] of Pub. L. 101-509, set out as an Effective Date of 1990 Amendment note under section 5301 of this title.

§ 5706c. Reimbursement for taxes incurred on money received for travel expenses

(a) Under regulations prescribed pursuant to section 5707 of this title, the head of an agency or department, or his or her designee, may use appropriations or other funds available to the agency for administrative expenses, for the reimbursement of Federal, State, and local income taxes incurred by an employee of the agency or by an employee and such employee's spouse (if filing jointly), for any travel or transportation reimbursement made to an employee for which reimbursement or an allowance is provided.

(b) Reimbursements under this section shall include an amount equal to all income taxes for which the employee and spouse, as the case may be, would be liable due to the reimbursement for the taxes referred to in subsection (a). In addition, reimbursements under this section shall include penalties and interest, for the tax years 1993 and 1994 only, as a result of agencies failing to withhold the appropriate amounts for tax liabilities of employees affected by the change in the deductibility of travel expenses made by Public Law 102-486.

(Added Pub. L. 105-264, §4(a), Oct. 19, 1998, 112 Stat. 2354.)

REFERENCES IN TEXT

Public Law 102-486, referred to in subsec. (b), is Pub. L. 102-486, Oct. 24, 1992, 106 Stat. 2776, known as the Energy Policy Act of 1992. For complete classification of this Act to the Code, see Short Title note set out under section 13201 of Title 42, The Public Health and Welfare, and Tables.

EFFECTIVE DATE

Pub. L. 105-264, §4(c), Oct. 19, 1998, 112 Stat. 2354, provided that: “This section [enacting this section] shall be effective as of January 1, 1993.”

§ 5707. Regulations and reports

(a)(1) The Administrator of General Services shall prescribe regulations necessary for the administration of this subchapter, except that the Director of the Administrative Office of the United States Courts shall prescribe such regulations with respect to official travel by employees of the judicial branch of the Government.

(2) Regulations promulgated to implement section 5702 or 5706a of this title shall be transmitted to the appropriate committees of the Congress and shall not take effect until 30 days after such transmittal.

(b) The Administrator of General Services shall prescribe the mileage reimbursement rates for use on official business of privately owned airplanes, privately owned automobiles, and privately owned motorcycles while engaged on official business as provided for in section 5704 of this title as follows:

(1)(A) The Administrator of General Services, in consultation with the Secretary of Transportation, the Secretary of Defense, and representatives of organizations of employees of the Government, shall conduct periodic investigations of the cost of travel and the operation of privately owned vehicles to employees while engaged on official business, and shall report the results of such investigations to Congress at least once a year.

(B) In conducting the periodic investigations, the Administrator shall review and analyze among other factors—

- (i) depreciation of original vehicle cost;
- (ii) gasoline and oil (excluding taxes);
- (iii) maintenance, accessories, parts, and tires;
- (iv) insurance; and
- (v) State and Federal taxes.

(2)(A) The Administrator shall issue regulations under this section which—

(i) shall prescribe a mileage reimbursement rate which reflects the current costs as determined by the Administrator of operating privately owned automobiles, and which shall not exceed, as provided in section 5704(a)(1) of this title, the single standard mileage rate established by the Internal Revenue Service, and

(ii) shall prescribe mileage reimbursement rates which reflect the current costs as determined by the Administrator of operating privately owned airplanes and motorcycles.

(B) At least once each year after the issuance of the regulations described in subparagraph (A) of this paragraph, the Administrator shall determine, based upon the results of the cost investigation, specific figures, each rounded to the nearest half cent, of the average, actual cost per mile during the period for the use of a privately owned airplane, automobile, and motorcycle.

(C) The Administrator shall report the specific figures to Congress not later than five working days after the Administrator makes the cost determination. Each such report shall be printed in the Federal Register.

(D) The mileage reimbursement rates contained in the regulations prescribed under this section shall be adjusted within thirty days following the submission of the report under subparagraph (C) of this paragraph.

(c) The Administrator of General Services shall periodically, but at least every 2 years, submit to the Director of the Office of Management and Budget an analysis of estimated total agency payments for such items as travel and transportation of people, average costs and du-

ration of trips, and purposes of official travel; and of estimated total agency payments for employee relocation. This analysis shall be based on a sampling survey of agencies each of which spent more than \$5,000,000 during the previous fiscal year on travel and transportation payments, including payments for employee relocation. Agencies shall provide to the Administrator the necessary information in a format prescribed by the Administrator and approved by the Director.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 500; Pub. L. 94-22, §6(a), May 19, 1975, 89 Stat. 85; Pub. L. 99-234, title I, §104, Jan. 2, 1986, 99 Stat. 1758; Pub. L. 101-391, §5(a)(1), Sept. 25, 1990, 104 Stat. 750; Pub. L. 103-329, title VI, §634(b), (c), Sept. 30, 1994, 108 Stat. 2429, 2430; Pub. L. 104-201, div. A, title XVI, §1614(a)(1), Sept. 23, 1996, 110 Stat. 2739; Pub. L. 104-316, title I, §103(e), Oct. 19, 1996, 110 Stat. 3829.)

HISTORICAL AND REVISION NOTES

| <i>Derivation</i> | <i>U.S. Code</i> | <i>Revised Statutes and Statutes at Large</i> |
|-------------------|------------------|---|
| | 5 U.S.C. 840. | June 9, 1949, ch. 185, §7, 63 Stat. 167. |

The first sentence is based in part on former sections 73b-2, 836, and 837, which are carried into this subchapter. Application of the second sentence to section 5703, and the third sentence, are based on former section 73b-2, which is carried into section 5703.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1996—Subsec. (b)(1)(A). Pub. L. 104-316 struck out “the Comptroller General of the United States,” after “in consultation with”.

Subsec. (d). Pub. L. 104-201 struck out subsec. (d) which provided that agencies ensure that their approved accommodation percentages be not less than specified percentages for fiscal years beginning 4 and 5 years after Sept. 25, 1990, and that their percentages be not less than 90 percent for fiscal years beginning 6 years after Sept. 25, 1990, and thereafter.

1994—Subsec. (b). Pub. L. 103-329, §634(b), amended subsec. (b) generally, revising and restructuring text.

Subsec. (c). Pub. L. 103-329, §634(c), redesignated par. (1) as entire subsec. and struck out par. (2) which read as follows: “The requirements of paragraph (1) of this subsection shall expire upon the Administrator’s submission of the analysis that includes the fiscal year that ends September 30, 1991.”

1990—Subsec. (d). Pub. L. 101-391 added subsec. (d).

1986—Subsec. (a). Pub. L. 99-234 designated existing provisions as par. (1) and added par. (2).

Subsec. (c). Pub. L. 99-234 added subsec. (c).

1975—Pub. L. 94-22 inserted “and reports” in section catchline, designated existing provisions as subsec. (a), substituted “Administrator of General Services” for “Director of the Bureau of the Budget”, struck out provision for fixing, payment, advancement and recovery of travel allowances and expenses in accordance with the regulations and provision for the non-applicability of this section to per diem allowances under section 5703(c), and inserted provision for regulations for travel by employees of the judicial branch of the Government by the Director of the Administrative Office of the United States Courts, and added subsec. (b).

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-234 effective (1) on effective date of regulations to be promulgated not later than

150 days after Jan. 2, 1986, or (2) 180 days after Jan. 2, 1986, whichever occurs first, see section 301(a) of Pub. L. 99-234, set out as a note under section 5701 of this title.

REGULATIONS; TIME FOR ISSUANCE

Section 6(b) of Pub. L. 94-22 provided that regulations required under the first sentence of subsec. (b)(2) of this section, as amended by subsec. (a) of section 6 of Pub. L. 94-22, were to be issued no later than 30 days after May 19, 1975.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsection (b)(1) of this section relating to reporting results of investigations to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 174 of House Document No. 103-7.

REPORTS REGARDING FOREIGN TRAVEL

Pub. L. 105-277, div. G, subdiv. B, title XXV, §2505, Oct. 21, 1998, 112 Stat. 2681-837, as amended by Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title VII, §707], Nov. 29, 1999, 113 Stat. 1536, 1501A-461; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814, provided that:

“(a) PROHIBITION.—Except as provided in subsection (e), none of the funds authorized to be appropriated for the Department of State for fiscal year 2000 or 2001 may be used to pay for the expenses of foreign travel by an officer or employee of an Executive branch agency to attend an international conference, or for the routine services that a United States diplomatic mission or consular post provides in support of foreign travel by such an officer or employee to attend an international conference, unless that officer or employee has submitted a preliminary report with respect to that foreign travel in accordance with subsection (b), and has not previously failed to submit a final report with respect to foreign travel to attend an international conference required by subsection (c).

“(b) PRELIMINARY REPORTS.—A preliminary report referred to in subsection (a) is a report by an officer or employee of an Executive branch agency with respect to proposed foreign travel to attend an international conference, submitted to the Director prior to commencement of the travel, setting forth—

“(1) the name and employing agency of the officer or employee;

“(2) the name of the official who authorized the travel; and

“(3) the purpose and duration of the travel.

“(c) FINAL REPORTS.—A final report referred to in subsection (a) is a report by an officer or employee of an Executive branch agency with respect to foreign travel to attend an international conference, submitted to the Director not later than 30 days after the conclusion of the travel—

“(1) setting forth the actual duration and cost of the travel; and

“(2) updating any other information included in the preliminary report.

“(d) REPORT TO CONGRESS.—The Director shall submit a report on January 31 of the years 2000 and 2001 and July 31 of the years 2000 and 2001, to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives, setting forth with respect to each international conference for which reports described in subsection (c) were required to be submitted to the Director during the preceding six months—

“(1) the names and employing agencies of all officers and employees of Executive branch agencies who attended the international conference;

“(2) the names of all officials who authorized travel to the international conference, and the total number of officers and employees who were authorized to travel to the conference by each such official; and

“(3) the total cost of travel by officers and employees of Executive branch agencies to the international conference.

“(e) EXCEPTIONS.—This section shall not apply to travel by—

“(1) the President or the Vice President;

“(2) any officer or employee who is carrying out an intelligence or intelligence-related activity, who is performing a protective function, or who is engaged in a sensitive diplomatic mission; or

“(3) any officer or employee who travels prior to January 1, 1999.

“(f) DEFINITIONS.—In this section:

“(1) DIRECTOR.—The term ‘Director’ means the Director of the Office of International Conferences of the Department of State.

“(2) EXECUTIVE BRANCH AGENCY.—The terms ‘Executive branch agency’ and ‘Executive branch agencies’ mean—

“(A) an entity or entities, other than the Government Accountability Office, defined in section 105 of title 5, United States Code; and

“(B) the Executive Office of the President (except as provided in subsection (e)).

“(3) INTERNATIONAL CONFERENCE.—The term ‘international conference’ means any meeting held under the auspices of an international organization or foreign government, at which representatives of more than two foreign governments are expected to be in attendance, and to which United States Executive branch agencies will send a total of ten or more representatives.

“(g) REPORT.—Not later than 180 days after the date of enactment of this Act [Oct. 21, 1998], and annually thereafter, the President shall submit to the appropriate congressional committees a report describing—

“(1) the total Federal expenditure of all official international travel in each Executive branch agency during the previous fiscal year; and

“(2) the total number of individuals in each agency who engaged in such travel.”

REPORTING OF EMPLOYEE RELOCATION EXPENSES

Pub. L. 105-61, title VI, §635, Oct. 10, 1997, 111 Stat. 1316, provided that: “No later than 30 days after the enactment of this Act [Oct. 10, 1997], the Director of the Office of Management and Budget shall require all Federal departments and agencies to report total obligations for the expenses of employee relocation. All obligations incident to employee relocation authorized under either chapter 57 of title 5, United States Code, or section 901 of the Foreign Service Act of 1980 (22 U.S.C. 4081; Public Law 96-465), shall be included. Such information for the past, current, and budget years shall be included in the agency budget submission to the President. The Director of the Office of Management and Budget shall prepare a table presenting obligations for the expenses of employee relocation for all departments and agencies, and such table shall be transmitted to Congress each year as part of the President’s annual budget.”

GAO AUDIT OF AGENCY COMPLIANCE

Section 5(b) of Pub. L. 101-391, which provided that not later than 6 months after the last day of the first fiscal year during which lodging expenses were subject to the requirements of former subsec. (d) of this section, and not later than 6 months after the last day of every fiscal year thereafter, the Comptroller General was to conduct an audit of the compliance of agencies with the requirements of such subsection, and was to submit a report to Congress describing the results of such audit, was repealed by Pub. L. 104-201, div. A, title XVI, §1614(a)(2), Sept. 23, 1996, 110 Stat. 2739, and Pub. L. 104-316, title I, §103(f), Oct. 19, 1996, 110 Stat. 3829.

§ 5707a. Adherence to fire safety guidelines in establishing rates and discounts for lodging expenses

(a)(1) For the purpose of making payments under this chapter for lodging expenses incurred